

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Plaintiff,

v.

NATIXIS FINANCIAL PRODUCTS LLC and
BLOOM ASSET HOLDINGS FUND,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 23-01017 (CGM)

**[PROPOSED] ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS THE COMPLAINT**

WHEREAS, on March 1, 2023, Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, filed the complaint in the above-captioned adversary proceeding (“Complaint”) against Natixis Financial Products LLC and Bloom Asset Holdings Fund (collectively, “Defendants”); and

WHEREAS, on May 22, 2023, Defendants filed a motion to dismiss for failure to state a claim and for lack of personal jurisdiction pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(2), respectively, as made applicable to these proceedings by Federal Rule of Bankruptcy Procedure 7012(b) [ECF No. ___ in Adv. Pro. No. 23-01017] (“Motion”); and

WHEREAS, the parties’ briefs, declarations, and other papers in support and opposition to the Motion were fully submitted as of September 21, 2023, and the Court held oral argument on October 18, 2023; and

WHEREAS, on _____, 2023, the Court issued a written decision (“Decision”) granting Defendants’ Motion;

IT IS HEREBY ORDERED:

1. The Motion is GRANTED and the Complaint is DISMISSED.
2. The Clerk of the Court is hereby directed to enter judgment in favor of Defendants in this Adversary Proceeding No. 23-01017 consistent with this Order.

Dated: _____
Poughkeepsie, New York

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge